

# EXHIBIT D

**Kapralov, Sasha**

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**From:** Hemminger, Steve  
**Sent:** Friday, January 11, 2008 12:57 PM  
**To:** awu@morganlewis.com  
**Cc:** Kim, Michael; Lyons, Michael; DeBruine, Sean; Hu, Yitai  
**Subject:** RE: Epistar v. Philips Lumileds, No. C 07-5194 / Stay

Andrew,

As I explained on Monday, we don't fully understand how the arguments you made in your related case motion support a request for a stay and asked for clarification/additional information so we could assess your request. Further, I explained that given the fact that the parties agreed to litigate the contract issues in district court there is no basis for your claims of res judicata or judicial estoppel and cautioned you not to rely on those claims without first fully investigating the facts. I also asked if you had any legal authority to support your view that the ITC ruling would have preclusive effect in the district court and, if so, requested copies of those cases.

At this time we see no reason or basis to continue the CMC.

Steven D. Hemminger

Akin Gump Strauss Hauer & Feld LLP  
Two Palo Alto Square  
3000 El Camino Real, Suite 400  
Palo Alto, CA 94306  
Office Phone: 650.838.2000  
Facsimile: 650.838.2001  
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-----Original Message-----

From: awu@morganlewis.com [mailto:[awu@morganlewis.com](mailto:awu@morganlewis.com)]  
Sent: Wednesday, January 09, 2008 4:00 PM  
To: Hemminger, Steve  
Cc: Kim, Michael; Lyons, Michael; DeBruine, Sean; Hu, Yitai  
Subject: RE: Epistar v. Philips Lumileds, No. C 07-5194 / Stay

Steve,

As we discussed on Monday, the reasons that Philips Lumileds seeks a stay of the unfair competition case are sufficiently set forth in Lumileds' related case motion. Per our discussion, Epistar does not at this time agree to a stay. Let me know immediately if Epistar changes its position.

Relatedly, Judge Wilken has set a case management conference for February 12 . Philips Lumileds believes that it would be efficient for the Court to consider and rule on the motion to stay prior to the case management conference (and related activities). Accordingly, we propose to move the case management conference to March 11. Please let me know if Epistar agrees with that proposal.

Thanks.

Andrew J. Wu  
Morgan, Lewis & Bockius LLP  
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3000 El Camino Real

Palo Alto, California 94306  
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650-843-4001 (facsimile)  
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"Hemminger,  
Steve"  
<shemmingger@aking  
ump.com>

01/07/2008 07:15  
AM

To  
awu@morganlewis.com, "Hu, Yitai"  
<yhu@AKINGUMP.com>

cc  
"Kim, Michael" <kimm@AkinGump.com>,  
"Lyons, Michael"  
<mlyons@morganlewis.com>,  
"DeBruine, Sean"  
<sdebruine@akingump.com>

Subject  
RE: Epistar v. Philips Lumileds,  
No. C 07-5194 / Stay

Dear Andrew,

Yitai has asked me to respond to you on this matter. Please call me at your convenience to discuss.

Sincerely,

Steven D. Hemminger

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-----Original Message-----

From: awu@morganlewis.com [mailto:awu@morganlewis.com]  
Sent: Friday, January 04, 2008 6:28 PM  
To: Hu, Yitai  
Cc: Kim, Michael; Lyons, Michael; DeBruine, Sean; Hemminger, Steve  
Subject: Epistar v. Philips Lumileds, No. C 07-5194 / Stay

Yitai,

As I mentioned in my voicemail to you last Friday (December 28), now that the Unfair Competition case has been related to the earlier cases, we think they should all be stayed until completion of the appeal of the ITC case.

Please let me know by 10:00 a.m. on Tuesday, January 8, 2008 if Epistar will oppose a motion to stay. Thank you.

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